IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WA.No. 1895 of 2003()

AGAINST THE JUDGEMENT IN OP.9712/2001 Dated 16/07/2002
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APPELLANT: PETITIONER.

JAYAMOHAN PALLATH, RTD.JUNIOR
SUPERINTENDENT R/A. AT MANJARI, KOORKENCHERRY,
THRISSUR.

BY ADV. SRI.A.N.KUTTAN

RESPONDENTS: RESPONDENT.S
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1. GOVERNMENT OF KERALA,R EP. BY THE
PRINCIPAL SECRETARY, FINANCE DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER BENNY GERVASIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No.1895 of 2003
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Dated this the 29th day of June, 2007.

JUDGMENT

Radhakrishnan,J.

Original Petition was preferred by the appellant seeking a writ of certiorari to quash Exts.P4 and P6 and also for a direction to the respondents to refix the pay of the petitioner treating the date of re-option as 5.1.1993, the date of his regular promotion and to refix his pension and related claims on the basis of such revised pay. Though the petitioner's request was recommended by the Superintendent of Police, the same was objected to by the Accountant General stating that there is no provision to opt after the date of promotion as per pay revision 1992. The objection raised by the Accountant General was also accepted by the Government by Ext.P6 dated 26/2/2001 wherein it is stated that there is no orders/rules to opt a date after the date of promotion as per the pay revision 1992. As per Rule 15, Annexure III to G.O.(P) No.3000/98/Fin dated 25.11.1998, re-option to past pay revisions are possible only in cases involving court

order/retrospective promotions.

In the circumstances, we see no error in the judgment of the learned single Judge. Writ Appeal is dismissed.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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